

Serial No.: 09/915,773
Attorney Docket No.: 2S20.1-010

REMARKS

The Final Office Action mailed May 17, 2005 has been received and reviewed. Claims 1-7 and 9-24 are pending in the application, with Claims 15-19 previously withdrawn from consideration. By the present Response and Amendment, Claims 1, 9, 20 and 24 are amended. No new matter is introduced.

Claims 1, 2, 4, 6, 7, 9, 11, 13, 14, and 20-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent No. 0215468 to Fromberg et al. Claims 1, 2, 4-7, 9, 11-14, and 20-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,468,820 to Uhler et al. in view of U.S. Patent No. 5,476,513 to Brady et al. Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,468,820 to Uhler et al. in view of U.S. Patent No. 5,476,513 to Brady et al., and further in view of U.S. Patent No. 4,725,276 to Bissonette et al. Applicant respectfully requests reconsideration in view of the present claim amendments.

In the final Office Action, the Examiner notes that the arguments presented in the prior response were considered, but not found persuasive for two reasons: (1) because the claim language regarding the lens being foldable or rollable along an axis between the first and second flared portions "regards intended use"; and (2) because that claim language "furthermore defines a lens foldable along the axis along the line between the flared portions or any axis between the flared portions (which may be perpendicular)."

With regard to the first assertion, applicant respectfully traverses. The subject limitations of the device claims, namely Claims 1, 9 and 24, which are directed to the lens being foldable or rollable along a specified axis, clearly define a physical characteristic or feature of the lens (namely that the lens body possesses a sufficient degree of flexibility along the specified axis), not an intended use. Claim 20 is a method claim, so the recited step of folding the lens body along a defined axis is properly considered as an element of the claimed invention regardless of whether it regards an intended use (indeed, for a

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method claim, the intended use typically is the claimed invention). Accordingly, these claim limitations are properly considered in distinguishing over the art of record; and because the art of record does not disclose or suggest the invention as presently claimed, the claims are believed to define patentable subject matter.

With regard to the second assertion, the claims are amended to clarify that the specified axis of folding or rolling is an "axis extending between" the flared portions. This makes clear that the recited axis is defined as a line segment having its first endpoint at one of the flared portions and its second endpoint at the other flared portion (as opposed to a perpendicular or oblique axis that crosses through some point lying between the flared portions). As explained in detail in the prior response, this feature of the presently claimed invention is not disclosed or suggested in the art of record. In view of this clarification, all grounds of rejection are now believed to be addressed and overcome.

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CONCLUSION

In view of the above, it is believed that the application has now been placed in full condition for allowance. Accordingly, early and favorable action is solicited. Should there be any further questions or reservations, the Examiner is urged to telephone Applicants' undersigned attorney at (770) 984-2300.

Respectfully submitted,



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